

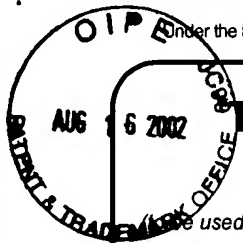
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RPTO/SB/21 (08-00)

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TRANSMITTAL FORM (Use used for all correspondence after initial filing)		Application Number	10/057,726
		Filing Date	01/24/2002
		First Named Inventor	Owens
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
Total Number of Pages in This Submission	1	Attorney Docket Number	021258-000200US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Forty-two (42) references 2) Return receipt postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. Total number of pages <u>does not</u> include cited references.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Hugh Wang Reg No. 47,163
Signature	
Date	August 13, 2002

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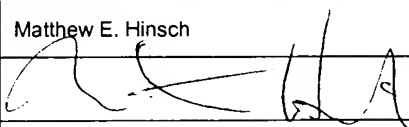
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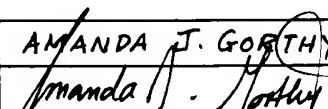
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/057,726
		Filing Date	January 24, 2002
		First Named Inventor	Gary K. OWENS et al.
		Group Art Unit	1636
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission	4	Attorney Docket Number	021258-000200US

ENCLOSURES (check all that apply)		
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 SF 1421094 v1



#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Owens et al.

Application No.: 10/057,726

Filed: January 24, 2002

For: METHODS AND COMPOSITIONS
FOR EXPRESSING
POLYNUCLEOTIDES SPECIFICALLY
IN SMOOTH MUSCLE CELLS IN VIVO

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Hugh Wang
Reg. No. 47,163

TOWNSEND and TOWNSEND and CREW LLP
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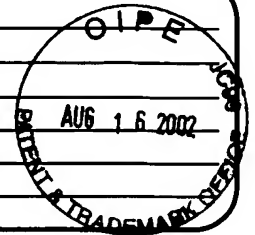
INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet **1** of **4**

Complete if Known

Application Number	10/057,726
Filing Date	January 24, 2002
First Named Inventor	Owens, Gary K.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	021258-000200US



U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)				

Examiner
Signature

Date
Considered

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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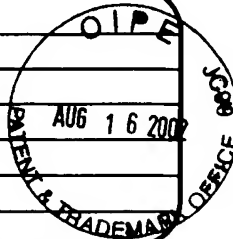
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 2 of 4**Complete if Known**

Application Number	10/057,726
Filing Date	January 24, 2002
First Named Inventor	Owens, Gary K.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	021258-000200US

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AA	AIKAWA et al., "Human smooth Muscle Myosin Heavy Chain Isoforms as Molecular Markers for Vascular Development and Atherosclerosis," <u>Circulation Research</u> , 73(6):1000-1012 (1993).	
	AB	AIKAWA et al., "Redifferentiation of Smooth Muscle Cells After Coronary Angioplasty Determined via Myosin Heavy chain Expression," <u>Circulation</u> , 96(1):82-90 (1997).	
	AC	BABIJ et al., "Tissue-specific and developmentally regulated alternative splicing of a visceral isoform of smooth muscle myosin heavy chain," <u>Nuc. Acids Res.</u> , 21(6):1467-1471 (1993).	
	AD	BABIJ et al., "Differential expression of SM1 and SM2 myosin isoforms in cultured vascular smooth muscle," <u>Am. J. Physiol.</u> , 262:C607-C613 (1991).	
	AE	BABIJ et al., "Characterization of a mammalian smooth muscle myosin heavy-chain gene: Complete nucleotide and protein coding sequence and analysis of the 5' end of the gene," <u>PNAS</u> , 88:10676-10680 (1991).	
	AF	BABIJ et al., "Myosin Heavy Chain Isoform diversity in Smooth Muscle is Produced by Differential RNA Processing," <u>J. Mol. Biol.</u> , 210:673-679 (1989).	
	AG	BORRIONE et al., "Myosin heavy-chain isoforms in adult and developing rabbit vascular smooth muscle," <u>Eur. J. Biochem.</u> , 183:413-417 (1989).	
	AH	BOUVAGNET et al., "Multiple Positive and Negative 5' Regulatory elements control the Cell-Type-Specific expression of the Embryonic Skeletal Myosin Heavy-Chain Gene," <u>Molecular and Cellular Biol.</u> , 7(12):4377-4389 (1987).	
	AI	CHAMLEY-CAMPBELL et al., "What Controls Smooth Muscle Phenotype," <u>Atherosclerosis</u> , 40:347-357 (1981).	
	AJ	FIRULLI et al., "Modular regulation of muscle gene transcription: a mechanism for muscle cell diversity," <u>Trends in Genetics</u> , 13(9):364-369 (1997).	
	AK	FISHER et al., "Developmental and Tissue Distribution of Expression of non Muscle and Smooth Muscle Isoforms of Myosin Light Chain Kinase," <u>Biochem. and Biophys. Res. Comm.</u> , 217(2):696-703 (1995).	
	AL	FRID et al., "Myosin Heavy-Chain Isoform Composition and distribution in Developing and Adult Human Aortic Smooth Muscle," <u>J. Vasc. Res.</u> , 30:279-292 (1993).	
	AM	KALLMEIER et al., "A Novel Smooth Muscle-specific Enhancer Regulates Transcription of the Smooth Muscle Myosin Heavy Chain Gene in Vascular Smooth Muscle Cells," <u>J. Biol. Chem.</u> , 270(52):30949-30957 (1995).	
	AN	KATOH et al., "Identification of Functional Promoter Elements in the Rabbit Smooth Muscle Myosin Heavy Chain Gene," <u>J. Biol. Chem.</u> , 269(48):30538-30545 (1994).	
	AO	KAWAMOTO et al., "Characterization of Myosin Heavy Chains in Cultured Aorta Smooth Muscle Cells," <u>J. Biol. Chem.</u> , 262(15):7282-7288 (1987).	

Examiner Signature		Date Considered	
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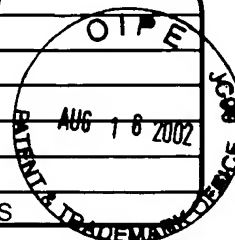
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Application Number	10/057,726
Filing Date	January 24, 2002
First Named Inventor	Owens, Gary K.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	021258-000200US

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AP	KELLEY et al., "An Insert of Seven Amino Acids Confers Functional Differences between Smooth Muscle Myosins from the Intestines and Vasculature," <i>J. Biol. Chem.</i> , 268(17):12848-12854 (1993).	
	AQ	KOCHER et al., "Cytoskeletal Features of Normal and Atheromatous Human Arterial Smooth Muscle Cells," <i>Human Pathology</i> , 17(9):875-880 (1986).	
	AR	KOCHER et al., "Phenotypic Features of Smooth Muscle Cells during the Evolution of Experimental Carotid Artery Intimal Thickening biochemical and Morphologic Studies," <i>Laboratory Invest.</i> , 65(4):459-470 (1991).	
	AS	HAMADA et al., "Distinct vascular and intestinal smooth muscle myosin heavy chain mRNAs are encoded by a single-copy gene in the chicken," <i>Biochem. Biophys. Res. Comm.</i> , 170(1):53-58 (1990).	
	AT	MADSEN et al., "Smooth muscle-Specific Expression of the Smooth Muscle Myosin Heavy Chain Gene in Transgenic Mice Requires 5' -Flanking and First Intronic DNA Sequence," <i>Circulation Research</i> , 82:908-917 (1998).	
	AU	MADSEN et al., "Identification of a Positive CIS Element in the Rat Smooth Muscle Myosin Heavy Chain Promoter," <i>Federation of American Societies of Experimental Biology Journal</i> , 10(3):A343, abst. 1977 (1996).	
	AV	MADSEN et al., "Interaction of CarG Elements and a GC-rich Repressor Element in Transcriptional Regulation of the Smooth Muscle Myosin Heavy Chain Gene in Vascular Smooth Muscle Cells," <i>J. Biol. Chem.</i> , 272(47):29842-29851 (1997).	
	AW	MADSEN et al., "Expression of the Smooth Muscle Myosin heavy Chain Gene Is Regulated by a Negative-acting GC-rich Element Located between Two Positive-acting Serum Response Factor-binding Elements," <i>J. Biol. Chem.</i> , 272(10):6332-6340 (1997).	
	AX	MANABE et al., "CarG elements control smooth muscle subtype-specific expression of <i>smooth muscle myosin</i> in vivo," <i>J. Clin. Invest.</i> , 107(7):823-834 (2001).	
	AY	MANABE et al., "The Smooth Muscle Myosin Heavy Chain Gene Exhibits Smooth Muscle Subtype-selective Modular Regulation <i>in Vivo</i> ," <i>J. Biol. Chem.</i> , 276(42):39076-39087 (2001).	
	AZ	MIANO et al., "Smooth Muscle Myosin Heavy Chain Exclusively Marks the Smooth Muscle Lineage During Mouse Embryogenesis," <i>Circulation Research</i> , 75:803-812 (1994).	
	BA	NAGAI et al., "Identification of Two Types of Smooth Muscle Myosin Heavy Chain Isoforms by cDNA Cloning and Immunoblot Analysis," <i>J. Biol. Chem.</i> , 264(17):9734-9737 (1989).	
	BB	OWENS, G.K., "Regulation of Differentiation of Vascular Smooth Muscle Cells," <i>Physiological Reviews</i> , 75(3):487-517 (1995).	
	BC	REGAN et al., "Development of a Smooth Muscle-Targeted Cre Recombinase Mouse Reveals Novel Insights Regarding Smooth Muscle Myosin Heavy Chain Promoter Regulation," <i>Circ. Res.</i> , 87:363-369 (2000).	
	BD	REUSCH et al., "Mechanical Strain Increases Smooth Muscle and Decreases Nonmuscle Myosin Expression in Rat Vascular Smooth Muscle Cells," <i>Circulation Research</i> , 79:1046-1053 (1996).	

Examiner Signature		Date Considered	
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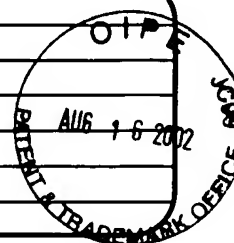
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Application Number	10/057,726
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	BE	ROSS et al., "The pathogenesis of atherosclerosis: a perspective for the 1990s," <u>Nature</u> , 362:801-809 (1993).	
	BF	ROVNER et al., "Two different heavy chains are found in smooth muscle myosin," <u>Am. J. Physiol.</u> , 250:C861-C870 (1986).	
	BG	ROVNER et al., "Expression of Smooth Muscle and Nonmuscle Myosin Heavy Chains in Cultured Vascular Smooth Muscle Cells*," <u>J. Biol. Chem.</u> , 261(31):14740-14745 (1986).	
	BH	SARTORE et al., "Myosin Isoform Expression in Smooth Muscle Cells during Physiological and Pathological Vascular Remodeling," <u>J. Vasc. Res.</u> , 31:61-81 (1994).	
	BI	SARTORE et al., "Myosin heavy-chain isoforms in human smooth muscle," <u>Eur. J. Biochem.</u> , 179:79-85 (1989).	
	BJ	SARTORELLI et al., "Muscle-Specific Gene Expression, A Comparison of Cardiac and Skeletal Muscle Transcription Strategies," <u>Circulation Research</u> , 72:925-931 (1993).	
	BK	SCHWARTZ et al., "Developmental Mechanisms Underlying Pathology of Arteries," <u>Physiological Reviews</u> , 70(4):1177-1209 (1990)	
	BL	WANG et al., "Expression of Smooth Muscle Myosin Isoforms in Urinary Bladder Smooth Muscle during Hypertrophy and Regression," <u>Laboratory Investigation</u> , 73(2):244-251 (1995).	
	BM	WATANABE et al., "Structure and Characterization of the 5' -Flanking Region of the Mouse Smooth Muscle Myosin Heavy Chain (SM 1/2) Gene," <u>Circulation Research</u> , 78:978-989 (1996).	
	BN	WHITE et al., "Identification of Promoter Elements Involved in Cell-Specific Regulation of Rat Smooth Muscle Myosin Heavy Chain Gene Transcription*," <u>J. Biol. Chem.</u> , 271(25):15008-15017 (1996).	
	BO	WHITE et al., "Identification of a novel smooth muscle myosin heavy chain cDNA: isoform diversity in the S1 head region," <u>Am. J. Physiol.</u> , 264:C1252-C1258 (1993).	
	BP	WILLS et al., "Tissue-specific expression of an anti-proliferative hybrid transgene from the human smooth muscle α -actin promoter suppresses smooth muscle cell proliferation and neointima formation," <u>Gene Therapy</u> , 8:1847-1854 (2001).	

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